

**IN THE UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF NEW JERSEY  
NEWARK VICINAGE**

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**DEAN BOONE, individually, and on  
behalf of all others similarly situated,**

**PLAINTIFF,**

**v.**

**T-MOBILE USA, INC.,**

**DEFENDANT.**

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: **Civil Action No. 2:17-cv-00378**  
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**PLAINTIFF’S OPPOSITION TO DEFENDANT’S MOTION TO DISMISS AND  
NOTICE OF CROSS-MOTION FOR LEAVE TO FILE  
THIRD AMENDED COMPLAINT**

PLEASE TAKE NOTICE that on September 18, 2017, or as soon thereafter as the matter may be heard, Plaintiff, Dean Boone, individually, and on behalf of all others similarly situated, by and through his undersigned counsel, will oppose Defendant T-Mobile’s Motion to Dismiss the Second Amended Complaint and respectfully move this Court pursuant to Rule 15 of the Federal Rules of Civil Procedure, for leave to file a Third Amended Complaint, a copy of which is attached hereto as Exhibit “1.”

The basis for this Motion as well as Plaintiff’s opposition to Defendant’s Motion to Dismiss is more fully set forth in the accompanying Memorandum of Law.

Respectfully submitted,

**THE KIM LAW FIRM, LLC**

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Dated: August 23, 2017